

MEMORANDUM

October 30, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: ANN M. AGUILAR
Deputy County Counsel
General Litigation Division

RE: Peter V. Lambert, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 334699

DATE OF
INCIDENT: January 7, 2004

AUTHORITY
REQUESTED: \$37,500

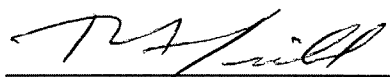
COUNTY
DEPARTMENT: DISTRICT ATTORNEY / CAO REAL ESTATE DIVISION / ISD

CLAIMS BOARD ACTION:


☒ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on November 20, 2006

SUMMARY

This is a recommendation to settle for \$37,500 the lawsuit brought by Peter and Sophia Lambert to recover damages for the personal injuries sustained by Peter Lambert in a "slip and fall" accident on January 7, 2004.

LEGAL PRINCIPLE

The County may be held liable for damages caused by a dangerous condition of public property when it is established that there was a dangerous condition, the plaintiff's injury was caused by the dangerous condition, the dangerous condition created a risk of the kind of injury that occurred, and the public entity had notice of the dangerous condition.

SUMMARY OF FACTS

On January 7, 2004, Mr. Lambert fell while descending a staircase leading to the County Hall of Records. Since Mr. Lambert is blind, obese and arthritic, he was guided by his daughter, a Deputy Probation Officer who works in the building. As Mr. Lambert and his daughter began to descend the stairs, Mr. Lambert lost his balance and fell down the staircase. As a result of the incident, Mr. Lambert allegedly requires a hip replacement.

At the time of the incident, the staircase lacked handrails, in violation of the state and local building codes. The handrails were apparently removed at some point in time, but the facts surrounding their removal are unclear. Regardless, it was clear the County had notice of the missing handrails in May 2002, when the building manager obtained an estimate from the Internal Services Department ("ISD") of the cost to replace the rails. However, the building manager did not obtain funding for the work or authorize ISD to do the work until November 2004. The reasons for the delay are unclear.

Mr. Lambert alleges that the staircase existed in a dangerous condition because of the missing handrails.

DAMAGES

Mr. Lambert claims the following economic and non-economic damages:

Past medical treatment	\$ 5,257
Future hip replacement & rehabilitation	\$ 65,000
Pain and suffering	\$ 150,000
Loss of consortium	\$ <u>50,000</u>
Total	\$ 270,257

In addition, Mrs. Lambert claims damages for loss of consortium, in the amount of \$50,000.

STATUS OF CASE

The parties negotiated this settlement at mediation on August 31, 2006, and the trial was subsequently continued to January 9, 2007. The settlement calls for the County to pay Mr. and Mrs. Lambert \$37,500 in full satisfaction of their claims.

This case was round tabled, and this settlement authority was agreed to by all present.

Expenses incurred by the County in the defense of this matter are attorneys' fees of \$40,000 and costs of \$2,500.

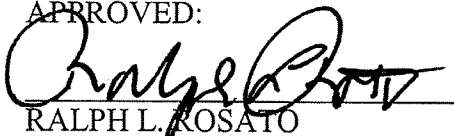
EVALUATION

This is a matter of clear liability. A settlement at this time will avoid further litigation costs and a potential jury verdict well in excess of the recommended settlement amount.

RECOMMENDATION

We believe that settlement of this matter in the amount of \$37,500 is in the best interest of the County. The District Attorney's Office and the CAO Real Estate Division concur in this settlement recommendation.

APPROVED:



RALPH L. ROSATO
Assistant County Counsel
General Litigation Division

AMA:ac